

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

RECEIVED

2022 OCT 26 PM 1:51

CLERK U.S. DIST. COURT
WEST. DIST. OF MO.
KANSAS CITY, MO.

Diego Juan Garcia

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-against- American Airlines
Fleet Service personnel
Cavan Schmitz

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

**Complaint for Employment
Discrimination**

Case No. 4:22-cv-690-BCW

(to be filled in by the Clerk's Office)

REQUEST FOR TRIAL BY JURY

Plaintiff requests trial by jury. ☐ Yes ☒ No

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Diego Ivan Garcia
Street Address	904 Sw Cross Creek Dr
City and County	Graham Valley Jackson County
State and Zip Code	Missouri 64029
Telephone Number	362-241-7044
E-mail Address	Diego-ivanga@yahoo.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	American Airlines
Job or Title (if known)	Airline Service
Street Address	Terminal C Brasília Ave
City and County	Kansas City Platte County
State and Zip Code	Missouri 64153
Telephone Number	800-433-7300
E-mail Address (if known)	

Defendant No. 2

Name	Ivan Schmitt
Job or Title (if known)	Fleet Service Manager
Street Address	1 International Square Kcmo 64153
City and County	Kansas City Platte County

State and Zip Code Missouri 64153
Telephone Number 816-243-5237
E-mail Address Nan.schmitt1@AA.com
(if known)

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is:

Name American Airlines
Street Address Terminal C Brasilia Ave
City and County Kansas City
State and Zip Code Missouri 64153
Telephone Number 800-433-7300

II. Cause of Action

This action is brought for discrimination in employment pursuant to (check all that apply):

- ☐ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- ☐ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)

- ☐ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- ☒ Other federal law (specify the federal law):

- ☒ Missouri Human Rights Act, Missouri Revised Statute § 213.055
- ☒ Other state law (specify, if known):
42 USC code § 2000 E-2
- ☐ Relevant city or county law (specify, if known):

III. Administrative Procedures

- A. Did you file a charge of discrimination against Defendant(s) with the Equal Employment Opportunity Commission or other federal agency?

☒ Yes Date filed: 10/12/2022
☒ No

Attach copy of the charge to this Complaint

- B. Have you received a Notice of Right-to-Sue Letter from the Equal Employment Opportunity Commission?

☐ Yes ☒ No

If yes, please attach a copy of the letter to this Complaint.

- C. Did you file a charge of discrimination against Defendant(s) with the Missouri Commission on Human Rights?

☒ Yes Date filed: 09/07/2022
☐ No

Attach copy of the charge to this Complaint

- D. Have you received a Notice of Right-to-Sue Letter from the Missouri Human Rights Commission?

☐ Yes ☒ No

If yes, please attach a copy of the letter to this Complaint.

E. If you are claiming **age discrimination**, check one of the following:

☐ 60 days or more have passed since I filed my charge of age discrimination with the Equal Employment Opportunity Commission.

☒ fewer than 60 days have passed since I filed my charge of age discrimination with the Equal Employment Opportunity Commission

IV. Statement of Claim

A. The discriminatory conduct of which I complain in this action includes (*check all that apply*):

- ☐ Failure to hire me.
- ☒ Termination of my employment.
- ☐ Failure to promote me.
- ☒ Failure to accommodate my disability.
- ☒ Unequal terms and conditions of my employment.
- ☐ Retaliation.
- ☒ Harassment/Hostile Work Environment

Other acts (*specify*): Retaliation Once I filled a complaint against a Ticket Agent for the same

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on the following date(s):

08/21/2022 08/22/2022

C. I believe that defendant(s) (*check one*):

☒

☐

is/are still committing these acts against me.

is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my (check all that apply and explain):

<input type="checkbox"/>	race _____
<input type="checkbox"/>	color _____
<input type="checkbox"/>	gender/sex _____
<input type="checkbox"/>	religion _____
<input type="checkbox"/>	national origin _____
<input checked="" type="checkbox"/>	age. My year of birth is <u>12/06/1994</u> (Give your year of birth only if you are asserting a claim of age discrimination.)
<input checked="" type="checkbox"/>	disability or perceived disability (specify disability) <u>extreme high Anxiety</u>

E. Write a short and plain statement of FACTS that support your claim. Do not make legal arguments. You must include the following information:

• What happened to you? I was ethnically trained As A Fleet Service Agent I was never Assigned to a crew I was harassed and misplaced at job site

• What injuries did you suffer? emotional distress time loss other employment opportunities at CVS And loss of wages And legal expenses

• Who was involved in what happened to you? evan Schmitt Katrina gossage Linda badani

• How were the defendants involved in what happened to you? one harassing me causing workplace discomfort And was serious being verbally neglected And being teased at by evan Schmitt

• Where did the events you have described take place? at The Kansas city International Airport I located at 2 international square Acno 64153

• When did the events you have described take place? At the mci Airport from 08/15/2022 Till 08/22/2022

If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

upon my probation (90 day period) I was ethnically unpaid company training As required by A.A.L.C. I was Discriminated Against by Fleet Service personell like managers of Fleet Service (evan Schmitt) I was Ignored And left to wonder while on The American Airlines Terminal I was never Directed to a Fleet Service personell crew And on given Advise who to be working with while on The job while on The job I was targeted to a huge mess that my Assigned Desk Area they put me in (which is not

mean for New Mize) I was Targeted for this by Evan Schmitt telling me he advised me to pull my nails up and talk to me when I was there and that it wasn't him who was going to fire me before my coworkers. Also I was verbally neglected by one of the Ticket Agents on 10/21/2022 once I retaliated against this for that specific reason for that person was falsely accusing me and complaining about it. Mr. Evan Schmitt wrongfully fired me and I was mistakenly married Taddy couple Times which is wrong.

V. Relief

As relief from the allegations of discrimination as stated above, Plaintiff prays that the court

grant the following relief to Plaintiff: (check any and all that apply)

- ☐ Defendant be directed to employ Plaintiff
- ☒ Defendant be directed to re-employ Plaintiff
- ☐ Defendant be directed to promote Plaintiff
- ☐ Defendant be directed to _____
- ☒ Monetary damages (please explain): wages not paid as promised by the American Airlines company
- ☒ As additional relief to make Plaintiff whole, Plaintiff seeks (please specify and explain):

get compensated for my not paid hours while still employed with the company while on a suspension period of time and still be eligible to join

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 10/13/2022

Signature of Plaintiff

Diego Evan Garcia

Printed Name of Plaintiff

Diego E Garcia